IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

Crl.MC.No. 826 of 2007()

C.C. 349/93, J.F.C.M. COURT, THODUPUZHA

PETITIONERS/REV.PETITIONERS/APPELLANTS/ACCUSED:

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1. SHAJI, S/O. KUMARAN, THOKKUPURATHU
   MUTHIYURUNDAYAR BHAGAM, IDUKKI VILLAGE
   THODUPUZHA TALUK.

2. LISSAN, S/O. GEORGE, CHAKKALAKUNNEL,
   DO. DO.

3. BIJU, S/O. GOPALAN, PUTEENPURAYIL,
   DO. DO.

4. RAJU S/O. JOSEPH, POONISSERIL
   DO. DO.

BY ADV. SRI.C.J.JOY

RESPONDENTS/RESPONDENTS/RESPONDENTS/COMPLAINANT:

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1. THE FOREST RANGE OFFICER, THODUPUZHA
   (O.R. 78/01 OF FORESH RANGE OFFICE)

2. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 826 of 2007

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Dated this the 22nd day of March, 2007

O R D E R

The petitioners were found guilty, convicted and sentenced in a prosecution under the provisions of the Kerala Forest Act. The matter came up before this Court in revision. Ultimately, another Bench of this Court allowed the revision in part. The relevant direction appears in paragraph 4 of the order in the revision, which I extract below:

> In totality of the facts and circumstances of the case, this Court is of the view that interests of justice will be served if while maintaining the order of conviction the petitioners are rather asked to pay a total fine of Rs.3000/- (Rs. three thousand) within a period of two months from today, instead of undergoing the jail term. Ordered accordingly. In case the fine as mentioned above is not paid within the time stipulated, the petitioners would undergo the jail term as imposed by the courts below."
>
> Revision petition is disposed of accordingly"

2. In spite of such an order, the petitioners have not paid the amount of Rs.3,000/- so far. The petitioners have come before this Court now with the submission that they did not get the information of disposal of the revision petition in time and they have not been

able to make the payment as directed above by the Honourable Chief Justice. They, in these circumstances, pray that some further time may be granted to them to make the payment. They are willing to pay the amount straight away. Indulgence may be shown by granting them two weeks time, it is prayed.

3. Annex. A order has become final. The petitioners must have paid the amount by 28.1.2007. The explanation offered by them is not too convincing. However, taking note of the representation that the payment shall be made immediately, I accept the request of the petitioners and grant them time till 30.3.2007 to make the payment and avoid the substantive sentence of imprisonment.

4. This Crl.M.C. is allowed to the above extent.

5. Hand over copy of the order.

(R. BASANT)
Judge

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